

language that was introduced by Amendment No. 21. When I looked at that I found a court decision had been obtained to determine whether or not that language, this right to bargain collectively, applied to public employees. The court said it did not, and the court's decision is pretty well set forth in my memorandum.

I just want to read to you a very quick part of it. On page 3 we start with the proposition that there is nothing improper in the organization of municipal employees into labor unions, and there is no constitutional provision necessary to authorize that. However, collective bargaining by public employees is an entirely different matter. This was pointed out by such a friend of union labor as our late President Franklin D. Roosevelt in a letter to the Union of Federal Employees, and it goes on to say why this cannot be a matter of collective bargaining. The court not only held this, but held it firmly on the basis that it was repugnant to the basis of our federal government.

We cannot relegate to labor unions the right and functions of government. The City of Baltimore attempted to, and did negotiate a contract with a union for chauffeurs and sanitary workers. A tax-payer's suit in 1945 was brought to invalidate that, and it was invalidated, and the Court of Appeals commented on this. This is also set forth in the memorandum. The Court indicated that one of the functions of government is the setting of wages and working conditions and that labor unions and City officials or government officials could not collectively bargain on these fields.

Now in the State of Missouri statutes have been provided for this subject, and they, again, point out in the statutes the right to organize and the right to present demands, but also indicate that even if they work out an agreement it is not a contract. It cannot be a contract until an appropriate governmental body actually approves it in a form provided by law. New York has a similar constitutional provision, but specifically excludes public employees in their statute. The only two states that do have this in their constitution are Hawaii and New Jersey.

And, if you will look at this memorandum you will see that they treat this exactly as I have treated it here. In other words, the language that I have used in the second sentence is the exact language as that in the State of New Jersey. I, therefore, urge you not to try to put in this constitution a concept or an idea or even a

thought that would possibly let the people think that we are giving the right of collective bargaining to governmental or public employees when it does not, in fact, exist. I hope, therefore, that you will adopt this amendment.

Now, the first sentence is really just a statement of what the present section 1.17, as we have now rewritten it with the Scanlan Amendment, says except that it applies only to private employees which is what it has to do with anyhow. I, therefore, urge you to adopt this amendment in lieu of section 1.17.

THE PRESIDENT: Delegate Weidemeyer, do you desire to speak in opposition?

DELEGATE WEIDEMEYER: Just a question in clarification of the amendment. The amendment was probably drawn before—

THE PRESIDENT: Is this a question of Delegate Kiefer?

DELEGATE WEIDEMEYER: Yes.

THE PRESIDENT: Delegate Kiefer, do you yield to a question?

DELEGATE KIEFER: Yes.

DELEGATE WEIDEMEYER: This amendment was drawn before the Scanlan amendment went on and as it reads it would strike out all of lines 39 to 43. For clarification, I imagine what you mean to say is to strike out all of section 1.17 as presently amended.

DELEGATE KIEFER: Yes, that is correct, of course.

THE PRESIDENT: Is there any objection to modifying the amendment in line 2 so as to strike out the words in lines 39 through 43 inclusive and in lieu of that insert all of section 1.17 as amended by Amendment No. 13? Any objection? If not, the amendment will be considered as modified in that manner.

Delegate Sickles.

DELEGATE SICKLES: Mr. President, I rise to ask Delegate Kiefer to respond to a question.

THE PRESIDENT: Delegate Kiefer, do you yield to a question?

DELEGATE KIEFER: Yes.

THE PRESIDENT: Delegate Sickles.

DELEGATE SICKLES: Delegate Kiefer, I find in looking very closely at your sug-